



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 21, 1996

Ms. Tracy R. Briggs  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-1520

Dear Ms. Briggs:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 26714.

The City of Houston (the "city") received a request for information concerning any and all incident reports relating to a particular robbery and shooting. You assert that the information at issue may be withheld from disclosure pursuant to sections 552.103 and 552.108 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime." and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). However, information normally found on the front page of an offense or arrest report is generally considered public. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information. Although this information is generally found on the first page of an offense report, its location is not determinative. *See* Open Records Decision No. 127 (1976) at 5. We have enclosed a summary of the type of information that is generally considered to be public and must be disclosed.

As the city may withhold from disclosure the records at issue except for the front page information, which it has already released, we need not address your arguments pursuant to the section 552.103 exception. We also note that the city has discretion to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', written over a horizontal line.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref.: ID# 26714

Enclosures: Submitted documents  
Summary of Open Records Decision No. 127

cc: Mr. Hal R. Gordon  
Gordon & Gordon  
1800 Bering, Suite 650  
Houston, Texas 77057  
(w/o enclosures)